

REMARKS

Applicants gratefully acknowledge receiving the Notice of Allowance for the subject application and appreciate the Examiner's efforts in reviewing it. However, in December 2005 during efforts to commercialize a machine based on the present invention, applicants became aware of a commercial machine called the Bear Vac Pro 75011, which bears a strong superficial similarity to applicants' machine claimed in the subject application. In attempting to determine when the Bear Vac Pro 75011 was introduced, applicants became aware of an earlier Bear Cat machine, Model 72285, which was reportedly introduced more than one year before applicants' earliest filing. While applicants were unable to obtain publicly available references describing the 72285 model, they did succeed in finding a still(!) unsold machine which they photographed, these photos being submitted herewith in compliance with applicants' duty of disclosure. Upon inquiry to the manufacturer, applicants were informed that the manufacturer's records indicate that this particular machine (identified by serial number) was transferred to the distributor in 1998.

Inspection of the photos reveals a critical difference between the Bear Cat machine and the machine of applicants' invention. The Bear Cat 72285 lacks the "first duct" between the collector rotor assembly and the blower as specified in subparagraphs b. through e. of applicants' present claim 2, as well as in the corresponding subparagraphs of the other independent claims. Applicants' invention has a first duct and a collector rotor assembly disposed at the entrance to the first duct. Hence, the impellers of the collector rotor assembly impel yard debris toward the duct entrance leading to the blower. Accordingly, in applicants' invention, a combination of mechanical impelling and vacuum induces collection and passage of yard debris to the blower, leading to effectiveness across the entire width of the collector rotor. In contrast, the Bear Cat 72285 has only an orifice, necessarily limited in size, between the impeller housing and the chipper-fan housing. This orifice spans only the central 18% of the impeller-housing width, thereby severely limiting the ability of the rotating impellers to impel yard debris toward the chipper-fan in the Bear Cat machines. Thus in the Bear Cat 72285, only the

five impeller blades (18% of the total 28 blades) in the center of the rotor shaft could be expected to be effective in impelling yard debris toward the orifice, and thence toward the chipper-fan unit. Applicants submit this difference is most likely the reason why the 72285 unit applicants inspected remains unsold since 1998(!), and the design remains obscure and has achieved little awareness in the market.

The Bear Cat model Bear Vac Pro 75011, which was apparently introduced to the market in 2002 and which is still being sold, suffers from the same drawback as the 72285 and appears not to have overcome the deficiency. The Owners' Manual for this machine (copy downloaded from the internet enclosed; see page 10) cautions "Vacuum frequently to avoid excessive leaf buildup." The implication is that, if leaves are allowed to fall and build up over several weeks, the machine will not be effective in collecting the deep layer of leaves. Thus, the manual for the Bear Cat device disavows ability of the machine to accomplish the very task for which applicants' machine was developed.

In contrast, all claims for applicants' present invention specify a duct between the collector-rotor-assembly impellers and the blower unit. By virtue of this duct, applicants are able to obtain full advantage of all the impellers across the entire width of the collector rotor assembly in impelling yard debris toward the duct entrance, and thus, to the blower unit. The result is that applicants' machine easily collects layers of leaves a foot deep or more across an extended width.

In summary, (1) the "first duct" between the collector rotor assembly and the blower unit in applicants' invention and claims leads to greatly increased effectiveness across a greater width as applicants are able to rely upon a combination of mechanical impelling and vacuum across the width of their machine; (2) the Bear Cat machines do not have such a duct; and (3) the Bear Cat machines lack the performance capability of applicants' machine. Therefore, applicants submit that the Bear Cat machines neither anticipate nor make obvious applicants' invention, and the subject application continues in condition for passage to issue.

Editorial amendments have been made to some of the claims to more fully define the invention thereof. New claims 50 – 60 have also been added. An updated INFORMATION DISCLOSURE STATEMENT BY APPLICANT is also enclosed.

If the Examiner has any questions regarding this correspondence, Charles Dunning can be reached at the phone numbers and addresses below.

Respectfully submitted,

Charles E. Dunning

Charles E. Dunning, and

Richard B. Saathoff

Richard B. Saathoff,

Applicants

810 Grant Place

January 30, 2006

Neenah, Wisconsin 54956-2924

Telephone: 920-725-5256

Facsimile: 920-725-0071

Cell Phone: 920-858-6338

Email: dunningc@tds.net

Enclosures:

1. Photographs of the Bear Cat Model 72285
2. A copy of a Bear Cat Company promotional brochure (30M1112JR) obtained from a dealer in December 2005, including page 19 illustrating Bear Cat Model 75011
3. A copy of Crary Bear Cat Owner Operator's Manual For Models 75011 and 75111 (Manual P/N 14032-00, Rev.03/02) downloaded from company's internet website: <http://www.bearcatproducts.com>
4. A copy of Crary Bear Cat Parts Catalog for Models 75011 and 75111 (Part # 14031-00, Rev. 03/02), including assembly diagrams of these machines; downloaded from <http://www.bearcatproducts.com>
5. Updated INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPENDIX

Application Number 10/724,316

Examiner: Arpad F. Kovacs, Art Unit 3671